

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is employed and has been an ongoing recipient of a child care subsidy from the Department to help pay her day care expenses. In November 2005 the Department granted the petitioner a "conversion hardship allowance". Even though the petitioner's income at that time qualified her for a child care subsidy of 35 percent of her costs, the Department, pursuant to its policy in effect at that time,

allowed the petitioner a "variance" that allowed her to receive a subsidy of 65 percent until June 2006.

2. At a review of the petitioner's case in July 2006 the Department found the petitioner eligible for a child care subsidy of 30 percent based on her income. However, the Department allowed the petitioner another variance until September 2006 at a subsidy rate of 60 percent.

3. In August 2006 the petitioner requested an extension of the 60 percent variance until September 2007. The Department denied this request based on its policy of ending conversion hardship variances for all families effective September 2, 2006. Inasmuch as the petitioner's income had not changed from her review in July, the Department found her eligible for a subsidy of 30 percent.

4. At telephone status conferences held in this matter on October 16 and November 13, 2006 the petitioner stated that she did not dispute the Department's calculation of her income or the applicability of its regulations. She stated that she will find it difficult to make ends meet if her child care subsidy is reduced.

ORDER

The decision of the Department is affirmed.

REASONS

The regulations adopted by the Child Care Services Division base eligibility for and amounts of child care subsidies on gross family income. CCS Regulation 4034. Based on its child care subsidy "schedule" at § 4305, the Department determined that the petitioner qualifies for a subsidy of 30 percent of need. As noted above, the petitioner does not dispute either the Department's determination of her income or its application of the above regulations.

The Department represents that it formerly had in place a "variance" policy (apparently unwritten) that allowed time-limited continuances of day care subsidies when families would otherwise have suffered a drastic reduction or elimination of benefits due to increased income. There is no dispute in this matter that the petitioner was the beneficiary of these variances from November 2005 through August 2006. As noted above, however, there is also no dispute that the Department terminated the granting of all such variances effective September 2, 2006.

The Department acknowledges that its day care subsidies are not reflective of the actual costs incurred by working families in obtaining adequate day care, and it has informed

the petitioner and the Board that it is seeking funding increases to raise its subsidy rates. Unfortunately, until then, the petitioner is limited by law as to the relief she can obtain from the Board. Inasmuch as the Department's decision accurately reflects the petitioner's income and correctly applies its current regulations, the Board is bound to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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